EVIDENCE—POSSESSION OF STOLEN PROPERTY—PRESUMPTION.—In a prosecution for receiving stolen property, an instruction that "the finding of stolen property in the possession of another shortly after said property had been stolen raises the presumption of guilt as against the person in whose possession the same is found * * *" was *held* not erroneous when considered with other instructions. *State* v. *Ross* (N. D., 1920), 179 N. W. 993.

In a prosecution for grand larceny, an instruction "that the possession of property recently stolen and unexplained by the defendant affords presumptive evidence of his guilt" was *held* erroneous, such language being an instruction on the weight of evidence. *Pearrow* v. *State* (Ark., 1920), 225 S. W. 311.

The great majority of the courts deny that any legal presumption attaches to the unexplained possession of property in cases similar to those above, agreeing that the weight of such evidence is to be determined solely by the jury. Of these, probably the greater number hold such unexplained possession in itself warrants a conviction by the jury. *Kurpgeweit* v. *State*, 97 Neb. 713; *Blackburn* v. *State*, 78 Tex. Cr. R. 177; *Mosley* v. *State*, 11 Ga. App. 303; *State* v. *Perry*, 165 Iowa 215. Others hold that the mere fact of unexplained possession alone will not warrant a conviction. *People* v. *Rodericquez*, 16 Cal. App. 358; *State* v. *Trosper*, 41 Mont. 442. A few support the doctrine that a legal presumption of guilt attaches. *State* v. *Turner*, 65 N. C. 592; *State* v. *Good*, 132 Mo. 114. Though these rules are quite different, the instructions of the courts supporting the doctrine that no presumption of law attaches show a misleading and unfortunate confusion of terms. These courts, as in the principal cases, frequently speak of a "presumption of guilt," "presumptive evidence of guilt," "prima facie evidence of guilt," etc., failing to point out clearly the difference between a presumption of law and a so-called "presumption" or inference of fact. The former requires a jury, in the absence of evidence to the contrary, to find according to the presumption; the latter allows the jury to draw its own conclusion regarding the ultimate fact. The first involves a compulsory conclusion made by law; the second, a "permissible deduction" by the jury. Instructions similar to those mentioned are likely to cause the jury to find in accordance with the "presumption" laid down by the court, though the latter intends to allow them merely an inference of fact. Unless very carefully qualified and explained so that the ordinary jury can understand, such instructions can most safely be held erroneous. See WIGMORE ON EVIDENCE, Sec. 2513, and 12 L. R. A. (N. S.) 199.

EXTRATERRITORIALITY—EASEMENTS OF LIGHT AND AIR IN CHINESE LAW.—According to a recent decision of the British Consular Court, there is no easement of light and air by implied grant in the law of China. A British subject owned a house and lot in Shanghai in 1868. He sold the house and part of the lot to another British subject and the adjoining unoccupied part of the lot to a German subject. In 1920 the owner of the house applied to the Consular Court for an injunction to restrain the owner of the adjoining